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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Striker Striker & Stenby
103 East Neck Road
Huntington, NY 11743

EXAMINER

PEREZ, JULIO R

ART UNIT	PAPER NUMBER
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2681

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DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/857,805

Applicant(s)

HANS ET AL.

Examiner

Julio R Perez

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/4</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) The invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1-4, 6-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson et al. (6212176).

Regarding claim 1, Anderson et al. teach a transmission frame (Fig. 2) for transmitting short messages (Fig. 12) in a telecommunications network (Fig. 3), in particular in a radio telecommunications network, characterized in that at least two data fields (Fig 8b, refs 122, 78) are provided; that data of a short message (Fig 12) are stored in memory in the data field; and that data in a first data format are stored in a first data field, and data in a second data format, different from the first data format, are stored in a second data field (col. 8, lines 35-60 –col. 9, lines 6-9, a method is provided for communicating information to remote stations which comprises logical special message channel, that is, time slots grouped in successive SMS frames. The

information is stored into a plurality of time slots into several super frames as to identify parts of the slots. The message may span at least two different SMS slots).

Regarding claim 2, Anderson et al. teach the transmission frame, characterized in that a first ID code which identifies the makeup of the short message, is provided in the first data field (col. 9, lines 12-17, the first time slots of a first channel is encrypted accordingly).

Regarding claim 3, Anderson et al. teach the transmission frame of claim 2, characterized in that the first ID code includes indications about the number of data fields and/or about the data formats in the data fields, and/or about the size of the data fields (col. 14, lines 24-29, consecutive time slots are ordered in TDMA frames of six slots each; see also FIG. 7).

Regarding claim 4, Anderson et al. teach the transmission frame, characterized in that a second ID code, which identifies the content of the short message, is provided in the first data field (col. 9, lines 6-17, the time slots of a first SMS is encrypted according to a first encryption method).

Regarding claim 6, Anderson et al. teach the transmission frame, characterized in that only the first data field is limited in its size to a predetermined value (col. 8, lines 31-34 – col. 14, lines 36-39, each slot consists of 6.67 milliseconds and carries 324 bits (or 162 symbols)).

Regarding claim 7, Anderson et al. teach the transmission frame, characterized in that in each of at least two data fields, one data-field-specific ID code, which identifies

the makeup and/or content of the corresponding data field, per data field is provided (col. 9, lines 6-17, encryption is provided for the data fields).

Regarding claim 8, Anderson et al. teach the transmission frame, characterized in that the data stored in the first data field are present in a data format that is readable by all the subscribers of the telecommunications network (col. 23, lines 51-62, the messages in the data slots may provide readable data such as news items and financial quotations).

Regarding claim 9, Anderson et al. teach the transmission frame, characterized in that the data stored in the first data field are in a text format, in particular in accordance with the GSM-SMS format (Global System for Mobile Communications - Short Message Service) (col. 8, lines 17-19 - col. 8, lines, 35-41 times slots comprise of special message channel that carries SMS frames; in turn, the remote station could read the broadcast control information).

Regarding claim 10, Anderson et al. teach the transmission frame, characterized in that data are stored in a plurality of data formats in one of the data fields (col. 9, lines 6-17, the slots are grouped in successive SMS frames, which can carry special messages).

Regarding claim 11, Anderson et al. teach the transmission frame, characterized in that only data in a single data format are stored in each data field (col. 9, lines 6-17, SMS frame may correspond to a respective one of a plurality of SMS sub-channels).

Regarding claim 12, Anderson et al. teach a telecommunications device, in particular a radio unit, having a transmission frame (Fig. 2, 5) for transmitting short

messages (col. 8, lines 39-41) in a telecommunications network (col. 9, lines 51-65), in particular in a radio telecommunications network, characterized in that at least two data fields are provided in the transmission frame; that data of a short message are stored in memory in the data fields; and that data in a first data format are stored in a first data field and data in a second data format, different from the first data format, are stored in a second data field (col. 8, lines 35-60 –col. 9, lines 6-9, provides a system for communicating data to remote stations which comprises logical special message channel, that is, time slots grouped in successive SMS frames. The information is stored into a plurality of time slots into several super frames as to identify parts of the slots. The message may span at least two different SMS slots).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (6212176) in view of Komiya (6085072).

Regarding claim 5, Anderson et al. teach all the limitations in claim 1.

Anderson et al. do not explicitly disclose the transmission frame, characterized in that the second ID code includes indications about the data type, such as audio or image data in particular, of the data stored in the data fields.

However, the preceding limitation is known in the art of telecommunications.

Komiya teaches a voice encoding and decoding system method that includes a memory capacity capable of storing a frame of output voice data (col. 5, lines 65-67 – col. 6, lines 1-3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to improve upon the digital control channels radio communication system as taught by Anderson et al. by implementing the system with memory capacity as taught by Komiya because it would provide Anderson et al. system with audio or voice data in the data field in the frame.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R Perez whose telephone number is (703) 305-8637. The examiner can normally be reached on Monday - Friday, 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh N Tran can be reached on (703) 305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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3/2/04


SINH TRAN
PRIMARY EXAMINER